

Appl. No. : 10/795,765
Filed : March 8, 2004

REMARKS

Claims 1, 2, and 4-23 remain pending in the present Application.

In response to the Advisory Action mailed September 1, 2006 and the Office Action mailed April 5, 2006, Applicant respectfully requests the Examiner to reconsider the above-captioned application in view of the following comments.

However, initially, Applicant would like to note that the Notice of Non-Compliant Amendment accompanying the outstanding Advisory Action was not justified. As noted in the Notice of Non-Compliant Amendment accompanying the Advisory Action, the Request for Reconsideration After Final filed August 7, 2006 did not include the text of all pending claims (including withdrawn claims). However, Applicant wishes to note that M.P.E.P. §714 indicates that "each amendment document that includes a change to an existing claim, including the deletion of an existing claim, or submission of a new claim, must include a complete listing of all claims ever presented (including previously canceled and non-entered claims) in the application."

However, Applicant wishes to note that no claims were amended or canceled in the Request for Reconsideration filed August 7, 2006. Thus, contrary to the indication in the Advisory Action, the Request for Reconsideration filed August 7, 2006 fully complies with 37 C.F.R. §1.121.

In any event, in order to expedite prosecution of the present application, Applicant has submitted herewith a full listing of all of the claims ever presented in the present application, including withdrawn Claim 3. Thus, the present refusal to enter the Request for Reconsideration filed August 7, 2006 as set forth in the Notice of Non-Compliant Amendment is now moot. The remaining remarks set forth below are identical to the remarks included in the Request for Reconsideration filed August 7, 2006.

The Specification Has Been Amended to Correct Informality

The specification stands rejected to for failing to provide proper and antecedent basis for certain claimed subject matter. Applicant respectfully traverses the present rejection.

However, in order to expedite prosecution, Applicant has amended paragraph [0080] to indicate that the "electronic control unit 196" can also be referred to as an "electronic remote device." Applicant submits that this amendment does not present new matter, and thus, the present objection is moot.

Appl. No. : 10/795,765
Filed : March 8, 2004

Claims 1, 2, 4-17, And 19-23 Fully Comply With The Requirements Of 35 U.S.C. § 112, First Paragraph

Claims 1, 2, 4-17, and 19-23 stand rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement. Applicant respectfully traverses the present rejection.

Applicant understands that the Examiner's position is that the specification does not illustrate or disclose an embodiment in which both a mechanical remote device and an electrical remote device are connected to a marine drive. However, Applicant wishes to note that the specification does disclose that the control device is configured to control the actuator based on input from either a mechanical remote device (remote 128 of Figure 2) or an electronic remote device (196 of Figure 6).

As illustrated in Figures 2 and 6, the control device 148 can be connected to either the mechanical remote device 149 and the electronic remote device 196. This presents an advantage achieved by the systems, watercraft, and methods recited in the present claims. For example, as noted on paragraph [0077] of the present Application, "the hybrid control system 33 can be easily applied to any outboard motors that have an electronic control set 148 that fits the electrical control system even though an associated watercraft has the mechanical control unit 149 that fits the mechanical control system."

In other words, the systems, watercraft and methods recited in the presently rejected claims allow the control system of a marine drive to be easily converted between a mechanical remote or an electronic remote.

The specification and drawings go on to further disclose the optional connection of both a mechanical and electronic connection in Figure 7 (reproduced below), as described in paragraph [0084].

Appl. No. : 10/795,765
 Filed : March 8, 2004

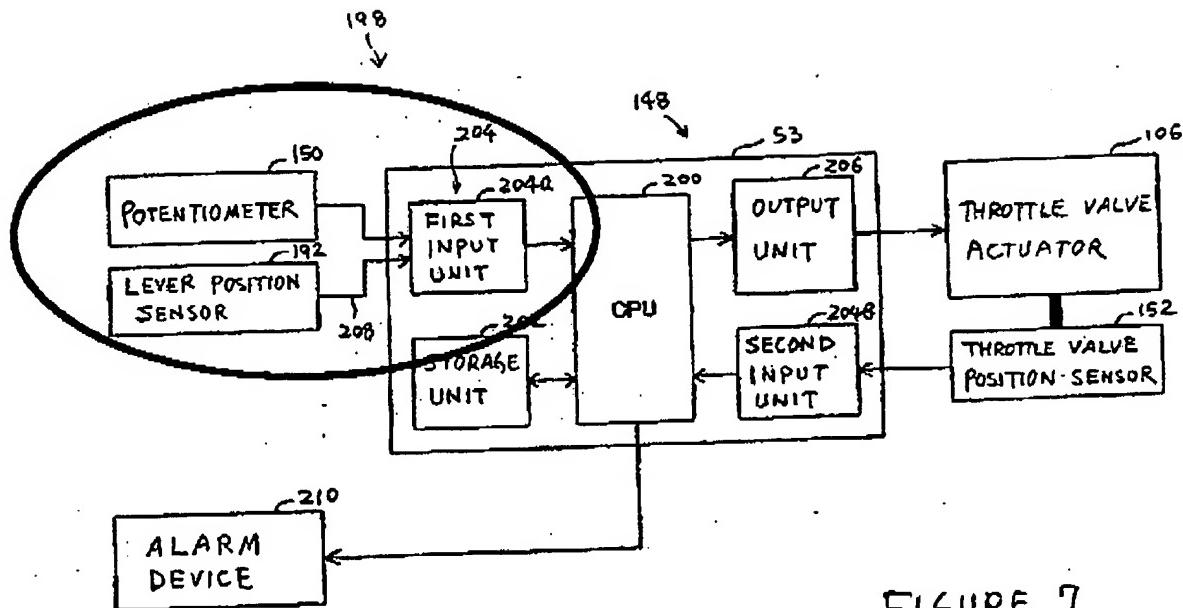


FIGURE 7

[0084] The illustrated input units 204 comprise a first input unit 204a and a second input unit 204b. The potentiometer 150 and the lever position sensor 192 can be selectively connected to the first input unit 204a through each electric wire 208. The first input unit 204a preferably has at least one connector or coupler for easy installation and removal of the potentiometer 150 or the lever position sensor 192. . . . In one variation, the first input unit 204a can have a plurality of connectors each exclusively suits each one of the potentiometer 150 and the position sensor 192. The first input unit 204a transfers the command signal from the potentiometer 150 or the position sensor 192 to the CPU 200.

(Emphasis added).

As clearly shown above in the annotated reproduction of the original informal version of Figure 7 above and described in paragraph [0084], both the potentiometer 150 (FIGURE 2) and the lever position sensor 192 (FIGURE 6) are connected to the first input unit 204a.

Finally, Applicant wishes to point out that original Claim 10, which depends from Claim 1, explicitly discloses the very features that the Examiner now indicates are missing from the original specification. For example, original Claim 1 recited, among other recitations, "a mechanically connecting member having a plurality of ends, one end of the connecting member

Appl. No. : 10/795,765
Filed : March 8, 2004

coupled with the first movable member, and a signal generator configured to output a command signal to the control device, the signal generator having a second movable member, another end of the connecting member coupled with the second movable member, the second movable member moving along with the first movable member when the first movable member is operated, the signal generator generating the command signal in accordance with a position of the second movable member, the control device controlling the actuator based upon the command signal." (Emphasis added). Original Claim 10, which depends directly from Claim 1, added the recitations "additionally comprising a second operative device remotely placed from the control device, the second operative device having a third movable member and a position sensing device, the position sensor configured to output a second command signal to the control device in accordance with a position of the third movable member, the control device controls the actuator based upon either the first or second command signal." (Emphasis added).

Applicant submits that, one of ordinary skill in the art would understand that the "position sensing device" of Claim 10 would be part of an "electronic remote device" in light of the disclosure in paragraph [0080] (amended above). Thus, taken together, original Claims 1 and 10 recited a control system having both "a mechanical connecting member and an electronic remote device." As noted above, this arrangement is fully disclosed in the specification as originally filed, for example, in Figure 7 and the accompanying text at paragraph [0084].

Claims 1, 12, 16, and 19-22 each recite varying combinations of features that are fully supported by the specification as originally filed, and refer to hybrid systems that can operate mechanically and electronically. As noted above, Applicant submits that that specification as originally filed clearly discloses such arrangements. Thus, Applicant submits that Claims 1, 2, 4-17, and 19-23 fully comply with the requirements of 35 U.S.C. § 112, first paragraph.

Appl. No. : 10/795,765
Filed : March 8, 2004

CONCLUSION

The undersigned has made a good faith effort to response to all of the rejections and objections in the case and to place the claims in condition for immediate allowance. Nevertheless, if any undeveloped issues remain or if any issues require clarification, the Examiner is respectfully requested to call Applicant's attorney in order to resolve such issue promptly.

Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: September 11, 2006

By:

Michael A. Giuliana
Registration No. 42,611
Attorney of Record
Customer No. 20,995
2040 Main Street
Fourteenth Floor
Irvine, CA 92614
(949) 760-0404

2903685
091106